

1979 WL 42816 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 20, 1979

*1 Paul E. Short, Jr., Esquire
Chester County Attorney
Post Office Box 547
Chester, South Carolina 29706

Dear Mr. Short:

You have requested an opinion as to what disposition may be made of funds which were levied to pay off Chester County Hospital Bonds and which remain in the treasury as excess following the retirement of the bonds on January 1, 1977.

It appears that this levy was authorized by Act No. 477 of 1963. Section 12(d) of that section provides:

‘Any balance that remains shall be used, upon the warrant or order of the county board, for additional public hospital facilities in Chester County.’

Since the Chester County Hospital and Nursing Home constitutes ‘additional public hospital facilities in Chester County,’ it is apparent that the remaining balance may be used for the Chester County Hospital and Nursing Home. It is assumed however, that only a remaining balance is involved and that the levy which caused this balance to occur no longer is being made.

For the foregoing reasons, it is the opinion of this Office that if the balance which presently exists arose as the result of a levy made pursuant to Act No. 477 of 1963, the balance due may be applied by the Chester County Board of Directors to the Chester County Hospital and Nursing Home.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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